

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAISANKAR MARIMUTHU,

Defendant.

CASE NO. 8:07CR30

**MEMORANDUM
AND ORDER**

This matter is before the Court on the Notice of Appeal (Filing No. 267) and the Clerk's memorandum regarding in forma pauperis status (Filing No. 268).

On November 17, 2011, the Defendant filed a request for a certificate of appealability. On November 18, 2011, the Court denied the request and also denied the Defendant leave to proceed in forma pauperis on appeal. On December 5, 2011, the Defendant filed a Notice of Appeal, again seeking to appeal from the Court's order and Judgment denying his motion filed under 28 U.S.C. § 2255.

The Court notes that because this Court denied the Defendant's request for a certificate of appealability, he may seek a certificate of appealability from the Eighth Circuit Court of Appeals. RULE 11(A) OF THE RULES GOVERNING SECTION 2255 PROCEEDINGS FOR THE UNITED STATES DISTRICT COURTS.

IT IS ORDERED:

1. The Defendant is denied leave to proceed in forma pauperis on appeal; and
2. The Clerk is directed to mail a copy of this Memorandum and Order to the Defendant at his last known address.

DATED this 4th day of January, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge